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10/020,535	10/29/2001	David Parker	005220.P003	9180

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EXAMINER

DAMIANO, ANNE L

ART UNIT	PAPER NUMBER
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2114

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/020,535

Applicant(s)

PARKER, DAVID

Examiner

Anne L Damiano

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12 and 14 is/are allowed.
- 6) ☒ Claim(s) 1-8, 11, 13, 15-20 and 24-31 is/are rejected.
- 7) ☒ Claim(s) 9, 10 and 21-23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/7/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings were received on 9/7/04. These drawings are acceptable.

Allowable Subject Matter

2. Claims 12 and 14 are allowed.

The subject matter of these amended independent claims was deemed allowable in previous office action.

3. Claims 9, 10, ~~21~~23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5. Claims 1, 2, 4-8, 11, 13, 15-21, 25 and 27-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Woodruff (6,438,711).

As in claim 1, Woodruff discloses a method comprising:

Connecting at least one remote monitoring digital processing system (remote management console) to at least one monitored digital processing system (computer system) (column 2: lines 30-36 and figure 1); and

Executing at least one diagnostic program from the remote monitoring digital processing system to run a command on the monitored system to generate diagnostic information relating to the monitored digital processing system (column 6: lines 44-51, column 7: lines 36-45).

As in claim 2, Woodruff discloses the method of claim 1, wherein connecting comprises establishing a secure connection between the remote digital processing system and the monitored digital processing system (column 5: lines 55-62). (The monitoring digital processing system is required a password, meaning that the connection secure.)

As in claim 4, Woodruff discloses the method of claim 2, wherein executing comprises constructing at least one string containing at least one command to be run on the monitored digital processing system (column 3: lines 11-15). (The diagnostic code is executed to generate the diagnostic report. The diagnostic report surely includes a contiguous set of alphanumeric characters that does not contain numbers used for calculations such as error messages.)

As in claim 5, Woodruff discloses the method of claim 4, wherein constructing comprises constructing within a remote probe residing on the remote monitoring digital processing system at least one string containing at least one command to be run on the monitored digital processing system (column 7: lines 26-39 and column 3: lines 4-10) (The diagnostics software code residing on the remote management console is a probe (program that are used to investigate, or test, the status of a system). When a diagnostic session has been established, the remote computer is interrogated to determine what diagnostic software is appropriate to be downloaded to the monitored computer. The diagnostic software includes a contiguous set of alphanumeric characters and commands to be run on the system.)

As in claim 6, Woodruff discloses the method of claim 5, wherein executing further comprises sending the string from the remote monitoring digital processing system to the monitored digital processing system (column 3: lines 5-15) (When the probe (diagnostic software code) is downloaded and is downloaded from the remote management console into the memory of the monitored computer system it is sent to the monitored digital processing system.)

As in claim 7, Woodruff discloses the method of claim 6, wherein sending comprises sending the string from the remote probe to the monitored digital processing system through the secure connection (column 7: lines 26-39 and column 3: lines 4-10) (The diagnostics software code residing on the remote management is a probe (program that are used to investigate, or test, the status of a system). When a diagnostic session has been established, the remote computer is interrogated to determine what diagnostic software is to be downloaded to the monitored

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computer. The diagnostic software includes a contiguous set of alphanumeric characters and commands to be run on the system. The appropriate diagnostic software is sent from the probe to monitored computer.)

As in claim 8, Woodruff discloses the method of claim 6, wherein executing further comprises running the command on the monitored digital processing (column 3: lines 11-14).

As in claim 11, Woodruff discloses the method of claim 5, further comprising collecting within the remote monitoring digital processing system the diagnostic information relating to the monitored digital processing system (column 3: lines 11-14 and column 6: lines 8-18) (The diagnostic report is sent to the remote management console. Also, the preliminary diagnostics determines the version of the BIOS and run initialization tests. These results are also sent to the remote diagnostic management system.)

As in claim 13, Woodruff discloses the method of claim 11, further comprising interpreting within the remote monitoring digital processing system the diagnostic information (column 6: lines 8-18). (The preliminary diagnostics determines the version of the BIOS. In response to this determination, the appropriate further diagnostics are established. Therefore, the preliminary diagnostic information is interpreted within the remote monitoring computer.)

As in claim 15, Woodruff discloses an apparatus, comprising:

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Means for connecting at least one remote monitoring digital processing system (remote managing console) to at least one monitored digital processing system (computer system) (column 2: lines 30-36 and figure 1); and

Means for executing at least one diagnostic program from the remote monitoring digital processing system to run a command on the monitored system to generate and the monitored digital processing system (column 6: lines 44-51, column 7: lines 36-45).

As in claim 16, Woodruff discloses the apparatus of claim 15, further comprising means for establishing a secure connection between the remote monitoring digital processing system and the monitored digital processing system (column 5: lines 55-62). (The monitoring digital processing system is required a password, meaning that the connection secure.)

As in claim 17, Woodruff discloses the apparatus of claim 15, further comprising means for collecting within the remote monitoring digital system the diagnostic information relating to the monitored digital processing system (column 3: lines 11-14 and column 6: lines 8-18). (The diagnostic report is sent to the remote management console. Also, the preliminary diagnostics determines the version of the BIOS and run initialization tests. These results are also sent to the remote diagnostic management system.)

As in claim 18, Woodruff discloses the apparatus of claim 17, further comprising means for interpreting within the remote monitoring digital processing system the diagnostic information (column 6: lines 8-18). (The preliminary diagnostics determines the version of the

BIOS. In response to this determination, the appropriate further diagnostics are established. Therefore, the preliminary diagnostic information is interpreted within the remote monitoring computer.)

As in claim 19, Woodruff discloses an apparatus, comprising:

A remote monitoring digital processing system (remote management console) (figure 1: component 120);

A command (diagnostic software is made up of commands) residing on the remote monitoring digital processing system to execute a diagnostic program within the remote monitoring system; (column 7: lines 42-45). (The diagnostic code can be executed by the remote monitoring console.) and

A monitored digital processing system (computer system) coupled with the remote monitoring digital processing system (figure 1 and column 2: lines 30-36).

As in claim 20, Woodruff discloses the apparatus of claim 19, further comprising a scheduler (system interrogator) residing on the remote digital processing system (column 7: lines 26-45). (The system interrogator dictates which diagnostics are appropriate to be downloaded thereby scheduling.)

As in claim 21, Woodruff discloses the apparatus of claim 20, wherein the remote command is coupled with the scheduler (column 7: lines 25-45 and figure 6).

As in claim 25, Woodruff discloses the apparatus of claim 19, wherein the monitored digital processing system is coupled with the remote monitoring digital processing system through a secure connection (column 5: lines 55-62). (The monitoring digital processing system is required a password, meaning that the connection secure.)

As in claim 27, Woodruff discloses the apparatus of claim 25, further comprising at least one string to be sent from the remote command to the monitored digital processing system through the secure connection, the string containing at least one command to be run on the monitored digital processing system to generate diagnostic information relating to the monitored digital processing system (column 7: lines 26-39 and column 3: lines 4-10) (The diagnostics software code residing on the remote management is a command used to investigate, or test, the status of the system). When a diagnostic session has been established, the remote computer is interrogated to determine what diagnostic software is to be downloaded to the monitored computer. The diagnostic software includes a contiguous set of alphanumeric characters and commands to be run on the system. The appropriate diagnostic software is sent from the command to monitored computer.)

As in claim 28, Woodruff discloses a machine readable medium having stored thereon instructions, which when executed by a processor, cause the processor to perform the following:

Connecting at least one remote monitoring digital processing system (remote monitoring console) to at least one monitoring digital processing system (computer system) (column 2: lines 30-36 and figure 1); and

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Executing at least one diagnostic program on the remote monitoring digital processing system to run a command on the monitored system to generate diagnostic information relating to the monitored digital processing system (column 6: lines 44-51, column 7: lines 36-45).

As in claim 29, Woodruff discloses the machine readable medium of claim 28, wherein the processor further performs collecting within the remote monitoring digital processing system the diagnostic information relating to the monitored digital processing system (column 3: lines 11-14 and column 6: lines 8-18). (The diagnostic report is sent to the remote management console. Also, the preliminary diagnostics determines the version of the BIOS and run initialization tests. These results are also sent to the remote diagnostic management system.)

As in claim 30, Woodruff discloses the machine readable medium of claim 29, wherein the processor further performs interpreting within the remote monitoring digital processing system the diagnostic information relating to the monitored digital processing system (column 6: lines 8-18). (The preliminary diagnostics determines the version of the BIOS. In response to this determination, the appropriate further diagnostics are established. Therefore, the preliminary diagnostic information is interpreted within the remote monitoring computer.)

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woodruff as applied to claim 2 above, and further in view of Chen (2002/0177453).

As in claim 3, Woodruff discloses the method comprising establishing a secure connection by validating a password above. However, Woodruff does not specifically disclose establishing the connection using Secure Shell. Chen discloses a system that uses Secure Shell to provide authentication (paragraph 85: lines 11-13).

It would have been obvious to a person skilled in the art at the time the invention was made to establish the secure connection using a Secure Shell in the system taught by Woodruff. It would have been obvious because Woodruff discloses authentication to establish a secure connection without specifically disclosing the implementation details and Chen discloses a known methods for authentication including the Secure Shell. A person skilled in the art would have understood that the secure connection of Woodruff's system could have been established using SSH, without departing from the scope of the invention.

As in claim 26, Woodruff discloses the method comprising establishing a secure connection by validating a password above. However, Woodruff does not specifically disclose establishing the connection using Secure Shell. Chen discloses a system that uses Secure Shell to provide authentication (paragraph 85: lines 11-13).

It would have been obvious to a person skilled in the art at the time the invention was made to establish the secure connection using a Secure Shell in the system taught by Woodruff. It would have been obvious because Woodruff discloses authentication to establish a secure connection without specifically disclosing the implementation details and Chen discloses a known methods for authentication including the Secure Shell. A person skilled in the art would have understood that the secure connection of Woodruff's system could have been established using SSH, without departing from the scope of the invention.

8. Claims 24 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woodruff as applied to claim 2 above, and further in view of Wookey (6,023,507).

Regarding claim 24, Woodruff discloses a remote monitoring system above. Woodruff also discloses that the management console may be any type of computer system (column 32-34) and discloses that any type of operating system may be running on the system (column 8: lines 15-17). However, Woodruff does not specifically disclose UNIX running on the remote management console. Wookey discloses a remote monitoring system wherein the remote monitor is running on UNIX (column 27-33).

It would have been obvious to a person skilled in the art at the time the invention was made to run UNIX on the remote management console of Woodruff. It would have been obvious because Woodruff teaches that any operating system can run on the management system and Wookey teaches that UNIX can run on a remote monitoring system. A person skilled in the

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art would have understood that by disclosing, "any operating system", Woodruff meant including UNIX.

Regarding claim 31, Woodruff discloses a machine readable medium having remote monitoring instructions stored thereon above. Woodruff also discloses that the management console may be any type of computer system (column 32-34) and discloses that any type of operating system may be running on the system (column 8: lines 15-17). However, Woodruff does not specifically disclose the instructions being configured to run on a UNIX operating system. Wookey discloses a remote monitoring system wherein the remote monitor is running on UNIX (column 27-33).

It would have been obvious to a person skilled in the art at the time the invention was made to run UNIX on the remote management console of Woodruff. It would have been obvious because Woodruff teaches that any operating system can run on the management system and Wookey teaches that UNIX can run on a remote monitoring system. A person skilled in the art would have understood that by disclosing, "any operating system", Woodruff meant including UNIX.

Response to Arguments

9. Applicant's arguments with respect to claim 1-8, 11, 13, 15-20 and 23-31 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

See PTO-892.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne L Damiano whose telephone number is (571) 272-3658. The examiner can normally be reached on M-F 9-6:30 first Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALD


SCOTT BADERMAN
PRIMARY EXAMINER